

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV12232-PBS

ADRIAN McCRAY,)
Plaintiff,)
v.)
H&R BLOCK EASTERN ENTERPRISES, INC.,)
and LINDA MURPHY,)
Defendants.)

)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rules 7.1 and 56.1 of the District of Massachusetts, Defendant H&R Block Eastern Enterprises, Inc. and Defendant Linda Murphy respectfully request that this Court enter summary judgment in their favor on all of the Plaintiff's claims. As grounds for this Motion, Defendants rely on the facts and arguments set forth in their accompanying Statement of Undisputed Material Facts and Memorandum of Law. In further support of this Motion, the Defendants rely on the Affidavit of Jennifer Belli and accompanying documents, filed herewith.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), the Defendants hereby request oral argument on this Motion.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), counsel for Defendants spoke with counsel for Plaintiff on November 15, 2005 regarding the filing of Defendants' Motion for Summary Judgment. The parties attempted in good faith to resolve or narrow the issues raised by Defendants Motion and were unable to do so.

Respectfully submitted,

H&R BLOCK EASTERN ENTERPRISES, INC.
and LINDA MURPHY,

By their attorneys,

/s/ Jennifer Belli _____

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Dated: November 15, 2005

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2005, I caused the foregoing Motion to be served upon all counsel of record by first class mail.

/s/ Jennifer Belli

Jennifer Belli